

25
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

IN THE MATTER OF
SHELLER-GLOBE CORPORATION
- KEOKUK DIVISION
Keokuk, Iowa

Respondent

Proceedings Under §3008(a)
of the Resource Conservation
and Recovery Act, of 1976, as
Amended, 42 U.S.C. §6928 (1984)

)
) Docket No. 87-H-0003
)
) COMPLAINT, COMPLIANCE ORDER
)
) AND
)
) NOTICE OF OPPORTUNITY FOR
)
) HEARING
)
)
)

PRELIMINARY STATEMENT

This Complaint, Compliance Order and Notice of Opportunity for Hearing is issued pursuant to Section 3008(a)(1) and (g) of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), and the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. §6928(a)(1) and (g), and in accordance with the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22 (1980). The Complainant is the Regional Administrator, United States Environmental Protection Agency (hereinafter "EPA"), Region VII. The Respondent is Sheller-Globe Corporation -Keokuk Division, an Iowa corporation.

As a result of an inspection performed by EPA on August 27 and 28, 1985, the Complainant has determined the Respondent to be in violation of the rules and/or regulations found at 40 C.F.R. §262.11, §262.20(a), §270.71(a)(1), §270.71(a)(3), §265.171, §265.173(a), §265.177(c), §265.35, §265.14(b), §265.31, §265.15, §265.16, §265.51, §265.13, §265.14(c), §265.34 and §265.147(a).

The Complaint below establishes the violations and proposes a civil penalty for the violations pursuant to Section 3008(g) of RCRA, 42 U.S.C. §6928(g) (1984). Said penalty is based on the seriousness of the violation, the threat of harm to public health or the environment, and the efforts of the Respondent to comply with the applicable requirements.



R00111188
RCRA RECORDS CENTER

C02/1

Iowa

Iowa

CNSL

RCRA

WSTM

Tram

Flournoy

Werhelt

Sanderson

Wagner

3/27/87

LAFlournoy
3/30/87

151 J. Werhelt
3/31/87

MD
3/31/87

3/31/87

RGAD.
151 Lee
3/31/87

COMPLAINT
COUNT I

1. Respondent owns and operates a facility (hereinafter "Facility") that manufactures padded instrument and door panels for automotive applications. The Facility is located at 3200 Main, Keokuk, Iowa.

2. On July 17, 1980, Respondent filed with the Administrator of EPA a Notification of Hazardous Waste Activity pursuant to Section 3010 of RCRA indicating that Respondent generated and treated, stored or disposed of hazardous waste identified as F002, F003, F005 and F017 (since deleted) at 40 C.F.R. §261.31; hazardous waste identified as D001 at 40 C.F.R. §261.21; hazardous waste identified as D000 at 40 C.F.R. §261.24; and hazardous waste identified as U002, U159, U161, U220, U223, U224, and U236 at 40 C.F.R. §261.33(f). On June 12, 1983, Respondent amended its notification by indicating it was a transporter of hazardous waste; added hazardous wastes identified as U121, U140, U116 and U219 at 40 C.F.R. §261.33(f) and hazardous waste identified as P050 at 40 C.F.R. §261.33(e); and deleted hazardous waste identified as F017 at 40 C.F.R. §261.31, and hazardous wastes identified as U229 and U238 at 40 C.F.R. §261.33(f).

3. On November 17, 1980, Respondent filed with the Administrator of EPA a Part A of the Hazardous Waste Permit Application.

4. By filing a timely notification and Part A application, Respondent achieved Interim Status pursuant to Section 3005(e) of RCRA, 42 U.S.C. §6925(e).

5. The regulation found at 40 C.F.R. §262.11 requires that a person who generates a solid waste, as defined in 40 C.F.R. §262.2, must determine if that waste is a hazardous waste, using the methods stated in 40 C.F.R. §262.11(a) through (c).

6. Based upon information obtained by EPA during the August 27 and 28, 1985 EPA inspection, it was determined that Respondent was generating waste paint filters, waste cleaning vat residue and waste cleaning solution and had not determined if those wastes were hazardous wastes in violation of 40 C.F.R. §262.11.

7. Pursuant to §3008(g) of RCRA, 42 U.S.C. §6928(g) and based upon the allegations stated in paragraphs 1 through 6, it is proposed that a civil penalty in the amount of \$1,100 be assessed for Respondent's not determining whether solid wastes it generates are hazardous wastes.

COUNT II

8. The allegations of paragraphs 1 through 4 are herein incorporated and realleged.

9. The regulation found at 40 C.F.R. §262.20(a) states:

"A generator who transports or offers for transportation, hazardous waste for off-site treatment, storage, or disposal must prepare a Manifest OMB Control Number 2000-0404 on EPA Form 8700-22... according to the instructions included in the Appendix to Part 262."

10. Based upon information provided to EPA by Respondent during the August 27 and 28, 1985 EPA inspection, it was determined that Respondent had not prepared manifests for hazardous waste solvents transported from its facility by and to Safety-Kleen Corporation on EPA Form 8700-22 in accordance with the instructions in the Appendix to Part 262, and in violation of 40 C.F.R. §262.20(a).

11. Pursuant to §3008(g) of RCRA, 42 U.S.C. §6928(g) and based upon the allegations stated in paragraphs 8 through 10, it is proposed that a civil penalty in the amount of \$1,100 be assessed for Respondent's not preparing proper hazardous waste manifests.

COUNT III

12. The allegations of paragraphs 1 through 4 are herein incorporated and realleged.

13. Respondent's Part A Hazardous Waste Permit Application dated November 17, 1980, indicated that Respondent intended to store on-site at the Facility in containers, the following hazardous wastes identified in 40 C.F.R. Part 261: F002, F003, U140, U223, U229, U238, F017, F005, U002, U159, U161 and U220. On July 5, 1983, Respondent amended its Part A Application to, among other items, delete the hazardous waste identified at 40 C.F.R. Part 261 as F017, from the list of hazardous wastes stored onsite.

14. The regulation found at 40 C.F.R. §270.71(a) states:

"During the interim status period the facility shall not:

- (1) Treat, store, or dispose of hazardous waste not specified in Part A of the permit application ..."

15. At the time of the August 27 and 28, 1985 EPA inspection, it was determined that Respondent was storing on-site at the Facility in containers the following hazardous wastes that were not specified in Respondent's Part A application in violation of 40 C.F.R. §270.71(a)(1): (a) 117 55-gallon containers of EP Toxic paint sludge; (b) 40 55-gallon containers of ignitable waste paint; (c) an unknown number of 55-gallon containers of ignitable waste paint solvent; (d) an unknown number of

bottles of waste laboratory chemicals that have been classified as hazardous waste by Respondent but have not been given a specific hazardous waste classification; and (e) an unknown number of 55-gallon containers of corrosive hazardous waste.

16. Pursuant to §3008(g) of RCRA, 42 U.S.C. §6928(g), and based upon the allegations stated in paragraphs 12 through 15, it is proposed that a civil penalty in the amount of \$1,200 be assessed for Respondent's storing on-site, hazardous wastes not identified in its Part A Application.

COUNT IV

17. The allegations of paragraphs 1 through 4 and 13 are herein incorporated and realleged.

18. Respondent's Part A Permit Application dated November 17, 1980, indicated that the hazardous waste container storage capacity of the Facility would be 11,000 gallons.

19. The regulation found at 40 C.F.R. §270.71(a) states:

"During the interim status period the facility shall not:
... (3) Exceed the design capacities specified in Part A of the permit application."

20. At the time of the August 27 and 28, 1985 EPA inspection, it was determined that Respondent was storing on-site 266 55-gallon containers (approximately 14,630 gallons) of hazardous waste, in violation of 40 C.F.R. §270.71(a)(3).

21. During the September 14, 1983 inspection conducted by IDWAWM, it was noted that Respondent relocated the drum storage area.

22. On March 9, 1984, IDWAWM requested Respondent to submit the facility closure plan.

23. The regulation found in 40 CFR §265.112 requires the owner or operator submit his closure plan to the Regional Administrator at least 180 days before the date he expects to begin closure when the date when closure commences should be within 30 days after the date on which the owner or operator expects to receive the final volume of wastes.

24. Respondent failed to submit the closure plan to EPA or IDWAWM for the drum storage area specified in the revised part A application dated 7-5-83 before relocating the drum storage area, in violation of 40 CFR §265.112.

25. Pursuant to §3008(g) of RCRA, U.S.C. §6928(g), and based upon the allegations stated in paragraphs 17 through 20, it is proposed that a civil penalty in the amount of \$1,100 be assessed for Respondent's exceeding its hazardous waste storage capacity.

It is proposed that no penalty assessed for Respondent's failure to submit a closure plan at least 180 days before the date he expects to begin closure.

COUNT V

26. The allegations of paragraphs 1 through 4 are herein incorporated and realleged.

27. The regulation found at 40 C.F.R. §265.171 states:

"If a container holding hazardous waste is not in good condition, or if it begins to leak, the owner or operator must transfer the hazardous waste from this container to a container that is in good condition, or manage the waste in some other way that complies with the requirements of this part."

28. At the time of the August 27 and 28, 1985 EPA inspection, it was determined that Respondent was storing hazardous waste in containers that were leaking or were badly bulged and/or dented and had not transferred the hazardous waste from these containers into containers that were in good condition, or in some other way Complied with the requirements of 40 CFR Part 265, in violation of 40 C.F.R. §265.171.

29. Pursuant to §3008(g) of RCRA 42 U.S.C. §6928(g), and based upon the allegations stated in paragraphs 22 through 24, it is proposed that a civil penalty in the amount of \$9,100 be assessed for Respondent's storing hazardous waste in leaking and damaged containers.

COUNT VI

30. The allegations of paragraphs 1 through 4 are herein incorporated and realleged.

31. The regulation found at 40 C.F.R. §265.173(a) states:

"A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste."

32. At the time of the August 27 and 28, 1985 EPA inspection, it was determined that Respondent was storing hazardous waste in containers whose lids did not fit the container bodies, in violation of 40 C.F.R. §265.173(a).

33. Pursuant to §3008(g) of RCRA, 42 U.S.C. §6928(g) and based upon the allegations stated in paragraphs 26 through 28, it is proposed that a civil penalty in the amount of \$9,100 be assessed for Respondent's storing hazardous waste in open containers.

COUNT VII

34. The allegations of paragraphs 1 through 4 are herein incorporated and realleged.

35. The regulation found at 40 C.F.R. §265.177(c) states:

"A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device."

36. At the time of the August 27 and 28, 1985 EPA inspection, it was determined that Respondent was storing containers of waste methylene chloride and waste corrosives, which are incompatible with each other, at its hazardous waste storage area, without there being a dike, berm, wall or other device to separate them, in violation of 40 C.F.R. §265.177(c).

37. Pursuant to §3008(g) of RCRA, 42 U.S.C. §6928(g), and based upon the allegations stated in paragraphs 30 through 32, it is proposed that a civil penalty in the amount of \$7,150 be assessed for Respondent's storing containers holding incompatible hazardous waste without a device separating the containers.

COUNT VIII

38. The allegations of paragraphs 1 through 4 are herein incorporated and realleged.

39. The regulation found at 40 C.F.R. §265.35 states:

"The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes."

40. At the time of the August 27 and 28, 1985 EPA inspection, it was determined that Respondent was not maintaining adequate aisle space for containers of hazardous waste being stored against the metal "mixing house" building, in violation of 40 C.F.R. §265.35.

41. Pursuant to §3008(g) of RCRA, 42 U.S.C. §6928(g), and based upon the allegations stated in paragraphs 34 through 36, it is proposed that a civil penalty in the amount of \$7,150 be assessed for Respondent's not maintaining adequate aisle space for containers of hazardous waste being stored at its hazardous waste storage area.

COUNT IX

42. The allegations of paragraphs 1 through 4 are herein incorporated and realleged.

43. The regulation found at 40 C.F.R. §265.14(b) states:

" . . . a facility must have:

(1) A 24-hour surveillance system (e.g., television monitoring or surveillance by guards of facility personnel) which continuously monitors and controls entry onto the active portion of the facility; or

(2)(i) An artificial or natural barrier (e.g., a fence in good repair or a fence combined with a cliff), which completely surrounds the facility"

44. At the time of the August 27 and 28, 1985 EPA inspection, it was observed that Respondent's security fence had become badly overgrown with vegetation, had pulled away from support poles at several locations, was cut at one location, and had a large gap in it at one corner of the storage area, in violation of 40 C.F.R. §265.14(b).

45. Pursuant to §3008(g) of RCRA, 42 U.S.C. §6928(g), and based upon the allegations stated in paragraphs 38 through 40, it is proposed that a civil penalty in the amount of \$330 be assessed for Respondent's not maintaining its security fence.

COUNT X

46. The allegations of paragraphs 1 through 4 are herein incorporated and realleged.

47. The regulation found at 40 C.F.R. §265.31 states:

"Facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment."

48. At the time of the August 27 and 28, 1985 EPA inspection, it was determined that Respondent's hazardous waste storage area contained significant quantities of wood, brush, paper, and other trash which would increase the potential for a fire at the storage area. Respondent also was storing hazardous waste laboratory chemicals in two cardboard boxes located at the facility "mixing house." These containers were not being

stored in a manner to minimize the potential of a leak or rupture from occurring. Both of these conditions cause the Respondent to be in violation of 40 C.F.R. §265.31.

49. Pursuant to §3008(g) of RCRA, 42 U.S.C. §6928(g), and based upon the allegations stated in paragraphs 42 through 44, it is proposed that a civil penalty in the amount of \$7,150 be assessed for Respondent's not maintaining its hazardous waste storage facility to minimize the possibility of a fire or release of hazardous waste.

COUNT XI

50. The allegations of paragraphs 1 through 4 are herein incorporated and realleged.

51. The regulation found at 40 C.F.R. §265.15 states, in part:

" . . . (b)(1) the owner or operator must develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting or responding to environmental or human health hazards.

. . . (3) The schedule must identify the types of problems (e.g., malfunctions or deterioration) which are to be looked for during the inspection At a minimum, the inspection schedule must include the items and frequencies called for in §265.174 . . .

. . . (c) The owner or operator must remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard

(d) The owner or operator must record inspections in an inspection log or summary At a minimum, these records must include the date and time of the inspection, the name of the inspector, a violation of the observations made, and the date and nature of any repairs or other remedial actions."

52. At the time of the August 27 and 28, 1985 EPA inspection, it was determined that Respondent's inspection schedule and inspection procedures did not address the following:

(a) the schedule does not address all necessary items such as safety and emergency equipment, and security devices.

(b) the schedule does not identify the types of problems to be looked for during the inspection.

(c) inspections are not always conducted on a weekly basis.

(d) for those items requiring daily inspections, daily inspections are not being documented

(e) for items deemed to be unacceptable during an inspection, the log sheets do not list the date and nature of the remedial action taken.

Each of these deficiencies is in violation of 40 C.F.R. §265.15.

53. Pursuant to §3008(g) of RCRA, 42 U.S.C. §6928(g), and based upon the allegations stated in paragraphs 46 through 48, it is proposed that a civil penalty in the amount of \$450 be assessed for Respondent's not properly inspecting its facility.

COUNT XII

54. The allegations of paragraphs 1 through 4 are herein incorporated and realleged.

55. The regulation found at 40 C.F.R. §265.16 states, in part:

"(a)(1) Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this part.

. . . (b) Facility personnel must successfully complete the program required in paragraph (a) of this section within six months after the effective date of these regulations or six months after the date of their employment or assignment to a facility, or to a new position at a facility whichever is later.

. . . (c) Facility personnel must take part in an annual review of the initial training required in paragraph (a) of this section.

(d) The owner or operator must maintain the following documents and records at the facility:

. . . (3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under paragraph (d)(1) of this section."

56. At the time of the August 27 and 28, 1985 EPA inspection, it was determined that Respondent's personnel training program contained the following deficiencies:

- (a) the training plan did not specifically identify the training that is to be provided to the persons in each position included in the plan,
- (b) the most recent training (August and September 1984) was not provided to all persons/positions identified in the training plan.
- (c) Some of the persons/positions who received the 1984 training had not received updated training within a year after the 1984 session.

These deficiencies are in violation of 40 C.F.R. §265.16.

57. It is proposed that no penalty be assessed for this violation.

COUNT XIII

58. The allegations of paragraphs 1 through 4 are herein incorporated and realleged.

59. The regulation found at 40 C.F.R. §265.51 states that "each owner or operator must have a contingency plan for his facility."

60. The regulation found at 40 C.F.R. §265.52 describes what is required in a contingency plan. This regulation states, in part:

"(a) The contingency plan must describe the actions facility personnel must take to comply with §§265.51 and 265.56 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility. . . .

(c) The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to §265.37.

(d) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see §265.55), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator

and others must be listed in the order in which they will assume responsibility as alternates.

(e) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

(f) The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes could be blocked by releases of hazardous waste or fires).

61. At the time of the August 27 and 28, 1985 EPA inspection, it was determined that Respondent's contingency plan contained the following deficiencies:

(a) the plan lists three emergency coordinators, none of which is designated as the "primary" coordinator.

(b) the plan does not describe arrangements agreed to by the local emergency response authorities.

(c) the plan does not include an evacuation plan or map.

(d) the plan does not include a description of available emergency response equipment.

These deficiencies are in violation of 40 C.F.R. §265.52.

62. It is proposed that no penalty be assessed for these violations.

COUNT XIV

63. The allegations of paragraphs 1 through 4 are herein incorporated and realleged.

64. The regulation found at 40 C.F.R. §265.13 states, in part:

"(a)(1) Before an owner or operator treats, stores, or disposes of any hazardous waste, he must obtain a detailed chemical and physical analysis of a representative sample of the waste. At a minimum,

this analysis must contain all the information which must be known to treat, store, or dispose of the waste in accordance with the requirements of this part.

. . . (b) The owner or operator must develop and follow a written waste analysis plan which describes the procedures which he will carry out to comply with paragraph (a) of this section. He must keep this plan at the facility. At a minimum the plan must specify:

(1) The parameters for which each hazardous waste will be analyzed and the rationale for the selection of these parameters

(2) The test methods which will be used to test for these parameters, [and]

. . . (4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date."

65. At the time of the August 27 and 28, 1985 EPA inspection, it was determined that Respondent's waste analysis plan contained the following deficiencies:

(a) The plan does not include corrosive wastes generated at the facility,

(b) The plan does not list specific test methods for each waste generated;

(c) The frequency of analysis of each waste is vague and non-specific; and

(d) All parameters of concern are not listed for some wastestreams (i.e., EP toxicity testing for paint wastes that contain lead).

Also, Respondent was storing waste laboratory chemicals in two cardboard boxes in the facility "mixing building" without having obtained a detailed chemical and physical analysis of this waste, in violation of 265.13(a)(1).

Each of these items is in violation of 40 C.F.R. §265.13.

66. It is proposed that no penalty be assessed for these violations.

COUNT XV

67. The allegations of paragraphs 1 through 4 are herein incorporated and realleged.

68. The regulation found at 40 C.F.R. §265.34 states:

"(a) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under §265.32.

(b) If there is ever just one employee on the premises while the facility is operating, he must have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required under §265.32."

69. At the time of the August 27 and 28, 1985 EPA inspection, it was determined that Respondent does not have an alarm or communication device located in its hazardous waste storage area, in violation of 40 C.F.R. §265.34.

70. It is proposed that no penalty be assessed for this violation.

COUNT XVI

71. The allegations of paragraphs 1 through 4 are herein incorporated and realleged.

72. Respondent demonstrated financial assurance for liability for sudden accidental occurrences for fiscal years ending in 1982 through 1985.

73. In a September 9, 1986 letter, Eastern and Smith, Respondent's consulting firm, advised EPA of Respondent's continued lack of success in finding a carrier willing to provide insurance coverage for sudden accidental occurrences and Respondent's inability to meet the financial test for establishing financial assurance for liability for sudden accidental occurrences.

74. In October, 1986, Respondent submitted to EPA documentation of Respondent's unsuccessful efforts to secure liability insurance for sudden accidental occurrences.

75. In an October 16, 1986 letter, Respondent notified EPA of its failure to obtain the liability coverage for sudden accidental occurrences and its willingness to, immediately upon EPA approval, implement the closure plan for the hazardous waste storage areas.

76. The regulation found at 40 C.F.R. §265.147(a) requires that an owner or operator of a hazardous waste treatment, storage or disposal facility, or a group of such facilities, must demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities.

77. Respondent is in violation of 40 C.F.R. §265.147(a).

78. It is proposed that no penalty be assessed for this violation.

COMPLIANCE ORDER

79. IT IS HEREBY ORDERED that the total penalty of \$44,930 shall be made by certified or cashier's check payable to "Treasurer of the United States" and remitted to the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region VII, P.O. Box 360748M, Pittsburgh, Pennsylvania, 15251.

80. IT IS FURTHER ORDERED that Sheller Globe Corporation take the following corrective actions within the time periods specified:

(a) Within 30 days of receipt of this Order, determine if waste paint filters, waste cleaning vat residue, and waste cleaning solutions generated at the facility are hazardous wastes in accordance with 40 C.F.R. §262.11.

(b) Immediately upon determining if any or all of the wastes listed in paragraph 80(a) are hazardous, begin to handle these wastes in accordance with the requirements of 40 C.F.R. Parts 260 through 270.

(c) Immediately upon receipt of this Order, begin to use the proper hazardous waste manifests in accordance with 40 C.F.R. §262.20(a) for the hazardous waste transported to Safety-Kleen Corporation.

(d) Within 45 days of receipt of this Order, submit to EPA a revised Part A Hazardous Waste Permit Application listing all hazardous waste that were not indicated on Respondent's previous Part A Applications.

(e) Within 10 days of receipt of this Order, submit to EPA a copy of the hazardous waste manifest used to ship off-site that hazardous waste which was being stored in excess of Respondent's designed storage capacity.

(f) Within 5 days of receipt of this Order, separate all containers of waste methylene chloride from containers of waste corrosives or install a dike, berm, wall or other device between them.

(g) Within 10 days of receipt of this Order, submit to EPA a copy of the revised inspection schedule and log written in accordance with 40 C.F.R. §265.15.

(h) Within 10 days of receipt of this Order, submit to EPA documentation that all personnel training deficiencies have been corrected.

(i) Within 10 days of receipt of this Order, submit to EPA the revised Facility Contingency Plan, written in accordance with 40 C.F.R. §265.52.

(j) Within 10 days of receipt of this Order, submit to EPA the revised Waste Analysis Plan, written in accordance with 40 C.F.R. §265.13.

(k) Within 30 days of receipt of this Order, install an alarm or emergency communication device in the hazardous waste storage area.

(l) Within 3 days of receipt of this Order, move the bottles containing hazardous waste laboratory chemicals to the designated hazardous waste storage area and store them in a manner to minimize possible leakage from the bottles.

(m) Within 30 days of receipt of this Order, obtain a detailed chemical and physical analysis of a representative sample of the waste laboratory chemicals and send the analytical results to EPA.

(n) Submit to EPA, within 30 days of receipt of EPA's comments on Respondent's closure plan, an amended closure plan addressing EPA's comments.

(o) Upon approval by EPA, immediately implement the closure plan in accordance with such plan.

(p) Establish and thereafter maintain liability coverage for sudden accidental occurrences in accordance with 40 C.F.R. §265.147(a) or obtain an alternate mechanism (i.e., a letter of credit) which shall be reviewed and approved by EPA to assure payment of liability judgments for the interim period of time prior to closure.

(q) Submit to EPA monthly reports regarding activities to establish liability coverage for sudden accidental occurrences or acquire an alternate mechanism discussed in paragraph 80(p).

81. All information required to be submitted by this Order shall be sent to Jane Werholtz, U.S. Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101.

NOTICE OF OPPORTUNITY TO REQUEST A HEARING

82. In accordance with Section 3008(b) of RCRA, 42 U.S.C. §6928(b) (1984), the Compliance Order shall become final unless Respondent files an answer, in writing, and requests a public hearing in writing no later than thirty (30) days after service of the Complaint, Compliance Order and Notice of Opportunity for Hearing.

83. A written answer to the Complaint and Compliance Order and the request for hearing must satisfy the requirements of 40 C.F.R. §22.15 (1980) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, a copy of which is attached hereto. The answer and request for hearing must be filed with the Regional Hearing Clerk, U.S. EPA, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101. A copy of the answer and request for hearing and copies of any subsequent documents filed in this action should be sent to Jane Werholtz, at the above described address.

84. Respondent's failure to file a written answer and request for a hearing within thirty (30) days of service of this Complaint, Compliance Order, and Notice of Opportunity for Hearing will constitute a binding admission of all allegations contained in the Complaint and a waiver of Respondent's right to a hearing. A Default Order may thereafter be issued by the Regional Administrator, and the total civil penalty proposed herein shall become due and payable without further proceedings.

SETTLEMENT CONFERENCE

85. Whether or not Respondent requests a hearing, an informal conference may be requested in order to discuss the facts of this case and to arrive at settlement. To request a settlement conference, please write to Jane Werholtz, U.S. EPA, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, or call her at 913/236-2809.

86. Please note that a request for an informal settlement conference does not extend the thirty (30) day period during which a written answer and request for a hearing must be submitted. The informal conference procedure may be pursued simultaneously with the adjudicatory procedure.

87. EPA encourages all parties against whom a civil penalty is proposed to pursue the possibilities of settlement as a result of informal conference. However, no penalty reduction will be made simply because such a conference is held. Any settlement which may be reached as a result of such a conference shall be embodied in a written Consent Agreement and Consent Order issued by the Regional Administrator, EPA, Region VII. The issuance of such a Consent Agreement and Consent Order shall constitute a waiver of Respondent's right to request a hearing on any matter stipulated to therein.

88. If Respondent has neither effected a settlement by informal conference nor requested a hearing within the thirty (30) day time period allowed by the Complaint, Compliance Order and Notice of Opportunity for Hearing, the penalties will be assessed without further proceedings and Respondent will be notified by EPA that the penalties have become due and payable.

Date

Morris Kay
Regional Administrator
U.S. Environmental Protection Agency
Region VII

Date

Jane Werholtz
Attorney, Office of Regional Counsel
U.S. Environmental Protection Agency
Region VII

Attachment

CERTIFICATE OF SERVICE

I hereby certify that the original and one true and correct copy of the foregoing Complaint, Compliance Order and Notice of Opportunity for Hearing were hand delivered to the Regional Hearing Clerk, U.S. EPA, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101; and a true and correct copy together with a copy of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, were sent certified mail, return receipt requested to: Richard L. Adkins, Environmental/Safety Coordinator, Sheller-Globe Corporation -Keokuk Division, 3200 Main Street, Keokuk, Iowa 52627 and C. T. Corporation System, Registered Agent, 2222 Grand Avenue, Des Moines, Iowa 50312 on this _____ day of _____, 1987.

Mary S. Belvill

Enclosure

cc: Pete Hamlin
Iowa Department of Natural Resources

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

IN THE MATTER OF
SHELLER-GLOBE CORPORATION
- KEOKUK DIVISION
Keokuk, Iowa

Respondent

Proceedings Under §3008(a)
of the Resource Conservation
and Recovery Act, of 1976, as
Amended, 42 U.S.C. §6928 (1984)

)
) Docket No. 87-H-0003
)
) COMPLAINT, COMPLIANCE ORDER
)
) AND
)
) NOTICE OF OPPORTUNITY FOR
)
) HEARING
)
)
)

PRELIMINARY STATEMENT

This Complaint, Compliance Order and Notice of Opportunity for Hearing is issued pursuant to Section 3008(a)(1) and (g) of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), and the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. §6928(a)(1) and (g), and in accordance with the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22 (1980). The Complainant is the Regional Administrator, United States Environmental Protection Agency (hereinafter "EPA"), Region VII. The Respondent is Sheller-Globe Corporation -Keokuk Division, an Iowa corporation.

As a result of an inspection performed by EPA on August 27 and 28, 1985, the Complainant has determined the Respondent to be in violation of the rules and/or regulations found at 40 C.F.R. §262.11, §262.20(a), §270.71(a)(1), §270.71(a)(3), §265.171, §265.173(a), §265.177(c), §265.35, §265.14(b), §265.31, §265.15, §265.16, §265.51, §265.13, §265.14(c), §265.34 and §265.147(a).

The Complaint below establishes the violations and proposes a civil penalty for the violations pursuant to Section 3008(g) of RCRA, 42 U.S.C. §6928(g) (1984). Said penalty is based on the seriousness of the violation, the threat of harm to public health or the environment, and the efforts of the Respondent to comply with the applicable requirements.

COMPLAINT
COUNT I

1. Respondent owns and operates a facility (hereinafter "Facility") that manufactures padded instrument and door panels for automotive applications. The Facility is located at 3200 Main, Keokuk, Iowa.

2. On July 17, 1980, Respondent filed with the Administrator of EPA a Notification of Hazardous Waste Activity pursuant to Section 3010 of RCRA indicating that Respondent generated and treated, stored or disposed of hazardous waste identified as F002, F003, F005 and F017 (since deleted) at 40 C.F.R. §261.31; hazardous waste identified as D001 at 40 C.F.R. §261.21; hazardous waste identified as D000 at 40 C.F.R. §261.24; and hazardous waste identified as U002, U159, U161, U220, U223, U224, and U236 at 40 C.F.R. §261.33(f). On June 12, 1983, Respondent amended its notification by indicating it was a transporter of hazardous waste; added hazardous wastes identified as U121, U140, U116 and U219 at 40 C.F.R. §261.33(f) and hazardous waste identified as P050 at 40 C.F.R. §261.33(e); and deleted hazardous waste identified as F017 at 40 C.F.R. §261.31, and hazardous wastes identified as U229 and U238 at 40 C.F.R. §261.33(f).

3. On November 17, 1980, Respondent filed with the Administrator of EPA a Part A of the Hazardous Waste Permit Application.

4. By filing a timely notification and Part A application, Respondent achieved Interim Status pursuant to Section 3005(e) of RCRA, 42 U.S.C. §6925(e).

5. The regulation found at 40 C.F.R. §262.11 requires that a person who generates a solid waste, as defined in 40 C.F.R. §262.2, must determine if that waste is a hazardous waste, using the methods stated in 40 C.F.R. §262.11(a) through (c).

6. Based upon information obtained by EPA during the August 27 and 28, 1985 EPA inspection, it was determined that Respondent was generating waste paint filters, waste cleaning vat residue and waste cleaning solution and had not determined if those wastes were hazardous wastes in violation of 40 C.F.R. §262.11.

page # 9
report
6

7. Pursuant to §3008(g) of RCRA, 42 U.S.C. §6928(g) and based upon the allegations stated in paragraphs 1 through 6, it is proposed that a civil penalty in the amount of \$1,100 be assessed for Respondent's not determining whether solid wastes it generates are hazardous wastes.

COUNT II

8. The allegations of paragraphs 1 through 4 are herein incorporated and realleged.

9. The regulation found at 40 C.F.R. §262.20(a) states:

"A generator who transports or offers for transportation, hazardous waste for off-site treatment, storage, or disposal must prepare a Manifest OMB Control Number 2000-0404 on EPA Form 8700-22... according to the instructions included in the Appendix to Part 262."

10. Based upon information provided to EPA by Respondent during the August 27 and 28, 1985 EPA inspection, it was determined that Respondent had not prepared manifests for hazardous waste solvents transported from its facility by and to Safety-Kleen Corporation on EPA Form 8700-22 in accordance with the instructions in the Appendix to Part 262, and in violation of 40 C.F.R. §262.20(a).

page 9 report
#8

11. Pursuant to §3008(g) of RCRA, 42 U.S.C. §6928(g) and based upon the allegations stated in paragraphs 8 through 10, it is proposed that a civil penalty in the amount of \$1,100 be assessed for Respondent's not preparing proper hazardous waste manifests.

COUNT III

12. The allegations of paragraphs 1 through 4 are herein incorporated and realleged.

13. Respondent's Part A Hazardous Waste Permit Application dated November 17, 1980, indicated that Respondent intended to store on-site at the Facility in containers, the following hazardous wastes identified in 40 C.F.R. Part 261: F002, F003, U140, U223, U229, U238, F017, F005, U002, U159, U161 and U220. On July 5, 1983, Respondent amended its Part A Application to, among other items, delete the hazardous waste identified at 40 C.F.R. Part 261 as F017, from the list of hazardous wastes stored onsite.

14. The regulation found at 40 C.F.R. §270.71(a) states:

"During the interim status period the facility shall not:

(1) Treat, store, or dispose of hazardous waste not specified in Part A of the permit application ..."

15. At the time of the August 27 and 28, 1985 EPA inspection, it was determined that Respondent was storing on-site at the Facility in containers the following hazardous wastes that were not specified in Respondent's Part A application in violation of 40 C.F.R. §270.71(a)(1): (a) 117 55-gallon containers of EP Toxic paint sludge; (b) 40 55-gallon containers of ignitable waste paint; (c) an unknown number of 55-gallon containers of ignitable waste paint solvent; (d) an unknown number of

page 10
#12
#11

a) 117 drums of EP Toxic paint sludge: #11 ~~in hazardous waste~~ not hazardous
b) 40 drums of ignitable waste paint: page 3 ~~in hazardous waste~~ not hazardous
c) #12 ~~in hazardous waste~~ not hazardous
d) page 4 under lab wastes

bottles of waste laboratory chemicals that have been classified as hazardous waste by Respondent but have not been given a specific hazardous waste classification; and (e) an unknown number of 55-gallon containers of corrosive hazardous waste.

16. Pursuant to §3008(g) of RCRA, 42 U.S.C. §6928(g), and based upon the allegations stated in paragraphs 12 through 15, it is proposed that a civil penalty in the amount of \$1,200 be assessed for Respondent's storing on-site, hazardous wastes not identified in its Part A Application.

COUNT IV

17. The allegations of paragraphs 1 through 4 and 13 are herein incorporated and realleged.

18. Respondent's Part A Permit Application dated November 17, 1980, indicated that the hazardous waste container storage capacity of the Facility would be 11,000 gallons.

→ or 200 55-gallon drums.

19. The regulation found at 40 C.F.R. §270.71(a) states:

"During the interim status period the facility shall not:

... (3) Exceed the design capacities specified in Part A of the permit application."

20. At the time of the August 27 and 28, 1985 EPA inspection, it was determined that Respondent was storing on-site 266 55-gallon containers (approximately 14,630 gallons) of hazardous waste, in violation of 40 C.F.R. §270.71(a)(3).

*only 200 drums
per part A permit
application
page 10
11.*

21. During the September 14, 1983 inspection conducted by IDWAWM, it was noted that Respondent relocated the drum storage area.

22. On March 9, 1984, IDWAWM requested Respondent to submit the facility closure plan.

23. The regulation found in 40 CFR §265.112 requires the owner or operator submit his closure plan to the Regional Administrator at least 180 days before the date he expects to begin closure when the date when closure commences should be within 30 days after the date on which the owner or operator expects to receive the final volume of wastes.

24. Respondent failed to submit the closure plan to EPA or IDWAWM for the drum storage area specified in the revised part A application dated 7-5-83 before relocating the drum storage area, in violation of 40 CFR §265.112.

25. Pursuant to §3008(g) of RCRA, U.S.C. §6928(g), and based upon the allegations stated in paragraphs 17 through 20, it is proposed that a civil penalty in the amount of \$1,100 be assessed for Respondent's exceeding its hazardous waste storage capacity.

It is proposed that no penalty assessed for Respondent's failure to submit a closure plan at least 180 days before the date he expects to begin closure.

COUNT V

26. The allegations of paragraphs 1 through 4 are herein incorporated and realleged.

27. The regulation found at 40 C.F.R. §265.171 states:

"If a container holding hazardous waste is not in good condition, or if it begins to leak, the owner or operator must transfer the hazardous waste from this container to a container that is in good condition, or manage the waste in some other way that complies with the requirements of this part."

28. At the time of the August 27 and 28, 1985 EPA inspection, it was determined that Respondent was storing hazardous waste in containers that were leaking or were badly bulged and/or dented and had not transferred the hazardous waste from these containers into containers that were in good condition, or in some other way Complied with the requirements of 40 CFR Part 265, in violation of 40 C.F.R. §265.171.

page 12
19
bad history
re. leaking drum

29. Pursuant to §3008(g) of RCRA 42 U.S.C. §6928(g), and based upon the allegations stated in paragraphs 22 through 24, it is proposed that a civil penalty in the amount of \$9,100 be assessed for Respondent's storing hazardous waste in leaking and damaged containers.

COUNT VI

30. The allegations of paragraphs 1 through 4 are herein incorporated and realleged.

31. The regulation found at 40 C.F.R. §265.173(a) states:

"A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste."

32. At the time of the August 27 and 28, 1985 EPA inspection, it was determined that Respondent was storing hazardous waste in containers whose lids did not fit the container bodies, in violation of 40 C.F.R. §265.173(a).

page 12
19
bad history
in open drums
violation.

33. Pursuant to §3008(g) of RCRA, 42 U.S.C. §6928(g) and based upon the allegations stated in paragraphs 26 through 28, it is proposed that a civil penalty in the amount of \$9,100 be assessed for Respondent's storing hazardous waste in open containers.

COUNT VII

34. The allegations of paragraphs 1 through 4 are herein incorporated and realleged.

35. The regulation found at 40 C.F.R. §265.177(c) states:

potential consequences:
Heat generation
Violent Reaction
"A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device."

36. At the time of the August 27 and 28, 1985 EPA inspection, it was determined that Respondent was storing containers of waste methylene chloride and waste corrosives, which are incompatible with each other, at its hazardous waste storage area, without there being a dike, berm, wall or other device to separate them, in violation of 40 C.F.R. §265.177(c). *chemical clean*

37. Pursuant to §3008(g) of RCRA, 42 U.S.C. §6928(g), and based upon the allegations stated in paragraphs 30 through 32, it is proposed that a civil penalty in the amount of \$7,150 be assessed for Respondent's storing containers holding incompatible hazardous waste without a device separating the containers. *# 13 page 11*

COUNT VIII

38. The allegations of paragraphs 1 through 4 are herein incorporated and realleged.

39. The regulation found at 40 C.F.R. §265.35 states:

"The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes."

40. At the time of the August 27 and 28, 1985 EPA inspection, it was determined that Respondent was not maintaining adequate aisle space for containers of hazardous waste being stored against the metal "mixing house" building, in violation of 40 C.F.R. §265.35. *# 16 page 11*
Bad History

41. Pursuant to §3008(g) of RCRA, 42 U.S.C. §6928(g), and based upon the allegations stated in paragraphs 34 through 36, it is proposed that a civil penalty in the amount of \$7,150 be assessed for Respondent's not maintaining adequate aisle space for containers of hazardous waste being stored at its hazardous waste storage area.

COUNT IX

42. The allegations of paragraphs 1 through 4 are herein incorporated and realleged.

43. The regulation found at 40 C.F.R. §265.14(b) states:

"... a facility must have:

(1) A 24-hour surveillance system (e.g., television monitoring or surveillance by guards of facility personnel) which continuously monitors and controls entry onto the active portion of the facility; or

(2)(i) An artificial or natural barrier (e.g., a fence in good repair or a fence combined with a cliff), which completely surrounds the facility"

44. At the time of the August 27 and 28, 1985 EPA inspection, it was observed that Respondent's security fence had become badly overgrown with vegetation, had pulled away from support poles at several locations, was cut at one location, and had a large gap in it at one corner of the storage area, in violation of 40 C.F.R. §265.14(b). # 15 page 11

45. Pursuant to §3008(g) of RCRA, 42 U.S.C. §6928(g), and based upon the allegations stated in paragraphs 38 through 40, it is proposed that a civil penalty in the amount of \$330 be assessed for Respondent's not maintaining its security fence.

COUNT X

46. The allegations of paragraphs 1 through 4 are herein incorporated and realleged.

47. The regulation found at 40 C.F.R. §265.31 states:

"Facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment."

48. At the time of the August 27 and 28, 1985 EPA inspection, it was determined that Respondent's hazardous waste storage area contained significant quantities of wood, brush, paper, and other trash which would increase the potential for a fire at the storage area. Respondent also was storing hazardous waste laboratory chemicals in two cardboard boxes located at the facility "mixing house." These containers were not being # 18 page 11

stored in a manner to minimize the potential of a leak or rupture from occurring. Both of these conditions cause the Respondent to be in violation of 40 C.F.R. §265.31.

49. Pursuant to §3008(g) of RCRA, 42 U.S.C. §6928(g), and based upon the allegations stated in paragraphs 42 through 44, it is proposed that a civil penalty in the amount of \$7,150 be assessed for Respondent's not maintaining its hazardous waste storage facility to minimize the possibility of a fire or release of hazardous waste.

COUNT XI

50. The allegations of paragraphs 1 through 4 are herein incorporated and realleged.

51. The regulation found at 40 C.F.R. §265.15 states, in part:

"... (b)(1) the owner or operator must develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting or responding to environmental or human health hazards.

... (3) The schedule must identify the types of problems (e.g., malfunctions or deterioration) which are to be looked for during the inspection ... At a minimum, the inspection schedule must include the items and frequencies called for in §265.174 ... 07✓

... (c) The owner or operator must remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard ...

(d) The owner or operator must record inspections in an inspection log or summary ... At a minimum, these records must include the date and time of the inspection, the name of the inspector, a violation of the observations made, and the date and nature of any repairs or other remedial actions."

52. At the time of the August 27 and 28, 1985 EPA inspection, it was determined that Respondent's inspection schedule and inspection procedures did not address the following:

(a) the schedule does not address all necessary items such as safety and emergency equipment, and security devices.

(b) the schedule does not identify the types of problems to be looked for during the inspection.

(c) inspections are not always conducted on a weekly basis.

(d) for those items requiring daily inspections, daily inspections are not being documented

(e) for items deemed to be unacceptable during an inspection, the log sheets do not list the date and nature of the remedial action taken.

Each of these deficiencies is in violation of 40 C.F.R. §265.15.

53. Pursuant to §3008(g) of RCRA, 42 U.S.C. §6928(g), and based upon the allegations stated in paragraphs 46 through 48, it is proposed that a civil penalty in the amount of \$450 be assessed for Respondent's not properly inspecting its facility.

COUNT XII

54. The allegations of paragraphs 1 through 4 are herein incorporated and realleged.

55. The regulation found at 40 C.F.R. §265.16 states, in part:

"(a)(1) Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this part.

. . . (b) Facility personnel must successfully complete the program required in paragraph (a) of this section within six months after the effective date of these regulations or six months after the date of their employment or assignment to a facility, or to a new position at a facility whichever is later.

. . . (c) Facility personnel must take part in an annual review of the initial training required in paragraph (a) of this section.

(d) The owner or operator must maintain the following documents and records at the facility:

. . . (3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under paragraph (d)(1) of this section."

56. At the time of the August 27 and 28, 1985 EPA inspection, it was determined that Respondent's personnel training program contained the following deficiencies:

(a) the training plan did not specifically identify the training that is to be provided to the persons in each position included in the plan,

(b) the most recent training (August and September 1984) was not provided to all persons/positions identified in the training plan.

(c) Some of the persons/positions who received the 1984 training had not received updated training within a year after the 1984 session.

These deficiencies are in violation of 40 C.F.R. §265.16.

57. It is proposed that no penalty be assessed for this violation.

COUNT XIII

58. The allegations of paragraphs 1 through 4 are herein incorporated and realleged.

59. The regulation found at 40 C.F.R. §265.51 states that "each owner or operator must have a contingency plan for his facility."

60. The regulation found at 40 C.F.R. §265.52 describes what is required in a contingency plan. This regulation states, in part:

"(a) The contingency plan must describe the actions facility personnel must take to comply with §§265.51 and 265.56 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility. . . .

(c) The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to §265.37.

(d) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see §265.55), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator

and others must be listed in the order in which they will assume responsibility as alternates.

(e) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

(f) The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes could be blocked by releases of hazardous waste or fires).

61. At the time of the August 27 and 28, 1985 EPA inspection, it was determined that Respondent's contingency plan contained the following deficiencies:

(a) the plan lists three emergency coordinators, none of which is designated as the "primary" coordinator. *OK*

(b) the plan does not describe arrangements agreed to by the local emergency response authorities. *OK*

(c) the plan does not include an evacuation plan or map. *No evacuation plan included*

(d) the plan does not include a description of available emergency response equipment. *OK*

These deficiencies are in violation of 40 C.F.R. §265.52.

62. It is proposed that no penalty be assessed for these violations.

COUNT XIV

63. The allegations of paragraphs 1 through 4 are herein incorporated and realleged.

64. The regulation found at 40 C.F.R. §265.13 states, in part:

"(a)(1) Before an owner or operator treats, stores, or disposes of any hazardous waste, he must obtain a detailed chemical and physical analysis of a representative sample of the waste. At a minimum,

this analysis must contain all the information which must be known to treat, store, or dispose of the waste in accordance with the requirements of this part.

. . . (b) The owner or operator must develop and follow a written waste analysis plan which describes the procedures which he will carry out to comply with paragraph (a) of this section. He must keep this plan at the facility. At a minimum the plan must specify:

(1) The parameters for which each hazardous waste will be analyzed and the rationale for the selection of these parameters

(2) The test methods which will be used to test for these parameters, [and]

. . . (4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date."

65. At the time of the August 27 and 28, 1985 EPA inspection, it was determined that Respondent's waste analysis plan contained the following deficiencies:

(a) The plan does not include corrosive wastes generated at the facility,

(b) The plan does not list specific test methods for each waste generated;

(c) The frequency of analysis of each waste is vague and non-specific; and

(d) All parameters of concern are not listed for some wastestreams (i.e., EP toxicity testing for paint wastes that contain lead).

Also, Respondent was storing waste laboratory chemicals in two cardboard boxes in the facility "mixing building" without having obtained a detailed chemical and physical analysis of this waste, in violation of 265.13(a)(1).

Each of these items is in violation of 40 C.F.R. §265.13.

66. It is proposed that no penalty be assessed for these violations.

COUNT XV

67. The allegations of paragraphs 1 through 4 are herein incorporated and realleged.

not in waste analysis plan

Reverse waste analysis plan to include waste cleaning solution

need to address 1

OK

The regulation found at 40 C.F.R. §265.34 states:

"(a) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under §265.32.

(b) If there is ever just one employee on the premises while the facility is operating, he must have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required under §265.32."

At the time of the August 27 and 28, 1985 EPA inspection, it was determined that Respondent does not have an alarm or communication device located in its hazardous waste storage area, in violation of 40 C.F.R. §265.34.

It is proposed that no penalty be assessed for this violation.

COUNT XVI

1. The allegations of paragraphs 1 through 4 are herein incorporated by reference.

2. Respondent demonstrated financial assurance for liability for sudden accidental occurrences for fiscal years ending in 1982 through 1985.

3. In a September 9, 1986 letter, Eastern and Smith, Respondent's insurance firm, advised EPA of Respondent's continued lack of success in obtaining a carrier willing to provide insurance coverage for sudden accidental occurrences and Respondent's inability to meet the financial requirements for establishing financial assurance for liability for sudden accidental occurrences.

4. In October, 1986, Respondent submitted to EPA documentation of Respondent's unsuccessful efforts to secure liability insurance for sudden accidental occurrences.

5. In an October 16, 1986 letter, Respondent notified EPA of its intention to obtain the liability coverage for sudden accidental occurrences and its willingness to, immediately upon EPA approval, implement the corrective action plan for the hazardous waste storage areas.

76. The regulation found at 40 C.F.R. §265.147(a) requires that an owner or operator of a hazardous waste treatment, storage or disposal facility, or a group of such facilities, must demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities.

77. Respondent is in violation of 40 C.F.R. §265.147(a).

78. It is proposed that no penalty be assessed for this violation.

COMPLIANCE ORDER

79. IT IS HEREBY ORDERED that the total penalty of \$44,930 shall be made by certified or cashier's check payable to "Treasurer of the United States" and remitted to the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region VII, P.O. Box 360748M, Pittsburgh, Pennsylvania, 15251.

80. IT IS FURTHER ORDERED that Sheller Globe Corporation take the following corrective actions within the time periods specified:

(a) Within 30 days of receipt of this Order, determine if waste paint filters, waste cleaning vat residue, and waste cleaning solutions generated at the facility are hazardous wastes in accordance with 40 C.F.R. §262.11. ✓

(b) Immediately upon determining if any or all of the wastes listed in paragraph 80(a) are hazardous, begin to handle these wastes in accordance with the requirements of 40 C.F.R. Parts 260 through 270.

(c) Immediately upon receipt of this Order, begin to use the proper hazardous waste manifests in accordance with 40 C.F.R. §262.20(a) for the hazardous waste transported to Safety-Kleen Corporation. ✓

(d) Within 45 days of receipt of this Order, submit to EPA a revised Part A Hazardous Waste Permit Application listing all hazardous waste that were not indicated on Respondent's previous Part A Applications. ✓

(e) Within 10 days of receipt of this Order, submit to EPA a copy of the hazardous waste manifest used to ship off-site that hazardous waste which was being stored in excess of Respondent's designed storage capacity. ✓ ?

(f) Within 5 days of receipt of this Order, separate all containers of waste methylene chloride from containers of waste corrosives or install a dike, berm, wall or other device between them. ✓
ms are DOO 2 generated

(g) Within 10 days of receipt of this Order, submit to EPA a copy of the revised inspection schedule and log written in accordance with 40 C.F.R. §265.15. ✓

(h) Within 10 days of receipt of this Order, submit to EPA documentation that all personnel training deficiencies have been corrected. ✓

(i) Within 10 days of receipt of this Order, submit to EPA the revised Facility Contingency Plan, written in accordance with 40 C.F.R. §265.52. *not adequate*

(j) Within 10 days of receipt of this Order, submit to EPA the revised Waste Analysis Plan, written in accordance with 40 C.F.R. §265.13. *not adequate*

(k) Within 30 days of receipt of this Order, install an alarm or emergency communication device in the hazardous waste storage area. *alarm installed*

(l) Within 3 days of receipt of this Order, move the bottles containing hazardous waste laboratory chemicals to the designated hazardous waste storage area and store them in a manner to minimize possible leakage from the bottles. *OK*

(m) Within 30 days of receipt of this Order, obtain a detailed chemical and physical analysis of a representative sample of the waste laboratory chemicals and send the analytical results to EPA. *? check*

(n) Submit to EPA, within 30 days of receipt of EPA's comments on Respondent's closure plan, an amended closure plan addressing EPA's comments. *may 15*

(o) Upon approval by EPA, immediately implement the closure plan in accordance with such plan.

(p) Establish and thereafter maintain liability coverage for sudden accidental occurrences in accordance with 40 C.F.R. §265.147(a) or obtain an alternate mechanism (i.e., a letter of credit) which shall be reviewed and approved by EPA to assure payment of liability judgments for the interim period of time prior to closure.

(q) Submit to EPA monthly reports regarding activities to establish liability coverage for sudden accidental occurrences or acquire an alternate mechanism discussed in paragraph 80(p).

81. All information required to be submitted by this Order shall be sent to Jane Werholtz, U.S. Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101.

NOTICE OF OPPORTUNITY TO REQUEST A HEARING

82. In accordance with Section 3008(b) of RCRA, 42 U.S.C. §6928(b) (1984), the Compliance Order shall become final unless Respondent files an answer, in writing, and requests a public hearing in writing no later than thirty (30) days after service of the Complaint, Compliance Order and Notice of Opportunity for Hearing.

83. A written answer to the Complaint and Compliance Order and the request for hearing must satisfy the requirements of 40 C.F.R. §22.15 (1980) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, a copy of which is attached hereto. The answer and request for hearing must be filed with the Regional Hearing Clerk, U.S. EPA, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101. A copy of the answer and request for hearing and copies of any subsequent documents filed in this action should be sent to Jane Werholtz, at the above described address.

84. Respondent's failure to file a written answer and request for a hearing within thirty (30) days of service of this Complaint, Compliance Order, and Notice of Opportunity for Hearing will constitute a binding admission of all allegations contained in the Complaint and a waiver of Respondent's right to a hearing. A Default Order may thereafter be issued by the Regional Administrator, and the total civil penalty proposed herein shall become due and payable without further proceedings.

SETTLEMENT CONFERENCE

85. Whether or not Respondent requests a hearing, an informal conference may be requested in order to discuss the facts of this case and to arrive at settlement. To request a settlement conference, please write to Jane Werholtz, U.S. EPA, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, or call her at 913/236-2809.

86. Please note that a request for an informal settlement conference does not extend the thirty (30) day period during which a written answer and request for a hearing must be submitted. The informal conference procedure may be pursued simultaneously with the adjudicatory procedure.

87. EPA encourages all parties against whom a civil penalty is proposed to pursue the possibilities of settlement as a result of informal conference. However, no penalty reduction will be made simply because such a conference is held. Any settlement which may be reached as a result of such a conference shall be embodied in a written Consent Agreement and Consent Order issued by the Regional Administrator, EPA, Region VII. The issuance of such a Consent Agreement and Consent Order shall constitute a waiver of Respondent's right to request a hearing on any matter stipulated to therein.

88. If Respondent has neither effected a settlement by informal conference nor requested a hearing within the thirty (30) day time period allowed by the Complaint, Compliance Order and Notice of Opportunity for Hearing, the penalties will be assessed without further proceedings and Respondent will be notified by EPA that the penalties have become due and payable.

Date

3/31/87

for William Rice

Morris Kay
Regional Administrator
U.S. Environmental Protection Agency
Region VII

Date

3-31-87

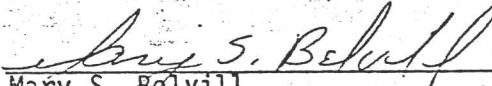
Jane B. Werholtz

Jane Werholtz
Attorney, Office of Regional Counsel
U.S. Environmental Protection Agency
Region VII

Attachment

CERTIFICATE OF SERVICE

I hereby certify that the original and one true and correct copy of the foregoing Complaint, Compliance Order and Notice of Opportunity for Hearing were hand delivered to the Regional Hearing Clerk, U.S. EPA, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101; and a true and correct copy together with a copy of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, were sent certified mail, return receipt requested to: Richard L. Adkins, Environmental/Safety Coordinator, Sheller-Globe Corporation -Keokuk Division, 3200 Main Street, Keokuk, Iowa 52627 and C. T. Corporation System, Registered Agent, 2222 Grand Avenue, Des Moines, Iowa 50312 on this 31 day of March, 1987.



Mary S. Belvill

Enclosure

cc: Pete Hamlin
Iowa Department of Natural Resources

ATTACHMENT. III



SERCO Laboratories

ATTACHMENT III

St. Paul, Minnesota • Cedar Falls, Iowa

1922 Main Street — P.O. Box 625, Cedar Falls, Iowa 50613 (319) 277-2401

EP Toxicity Test

Client: Sheller Globe
Attn: Mr. Andy Edgar
3200 Main
Keokuk, IA 52632

Date Sampled: 4/8/87

Date Received: 4/13/87

Sample Identity: Sludge

(waste cleaning vat residue)
+ filtration
+ ~~flash~~

no solvent content ->
flash pt not
determined.
do not separate it

Analysis

As Received

Total Solids	56.99	%
Extractable pH	11.4	S.U.

Concentration of Extract (mg/l)

Arsenic (as As)	<0.005
Barium (as Ba)	10
Cadmium (as Cd)	(2.7)
Chromium (as Cr)	<0.05
Lead (as Pb)	0.2
Mercury (as Hg)	<0.0005
Selenium (as Se)	<0.005
Silver (as Ag)	0.02

Final pH (of Extract)	5.0	S.U.
-----------------------	-----	------

< means less than

EP Toxicity Test performed in accordance with 40 CFR Part 261.24.
All analyses performed in accordance with EPA publication SW-846,
Second Edition.

Prepared and Submitted by
SERCO Laboratories

Diane E. Moles
Diane E. Moles
Laboratory Supervisor

April 17, 1987
nh 1441A
7-04247L





SERCO Laboratories

St. Paul, Minnesota • Cedar Falls, Iowa

1922 Main Street — P.O. Box 625, Cedar Falls, Iowa 50613 (319) 277-2401

EP Toxicity Test

*did not do
- flask pt
- pH*

Client: Sheller Globe
Attn: Mr. Andy Edgar
3200 Main
Keokuk, IA 52632

Date Sampled: 4/8/87

Date Received: 4/13/87

Sample Identity: Filtered Water

(waste cleaning vat solution)

11.4

Analysis

Arsenic (as As)	0.010	mg/l
Barium (as Ba)	27	mg/l
Cadmium (as Cd)	006 <u>65</u>	mg/l
Chromium (as Cr)	0.81	mg/l
Lead (as Pb)	D008 <u>16</u>	mg/l
Mercury (as Hg)	<0.0005	mg/l
Selenium (as Se)	0.020	mg/l
Silver (as Ag)	0.15	mg/l

< means less than

All analyses performed in accordance with EPA publication SW-846, Second Edition.

April 17, 1987
nh 1441A
7-04247A

Prepared and Submitted by
SERCO Laboratories

Diane E. Moles

Diane E. Moles
Laboratory Supervisor

ATTACHMENT II

P.D.C. LABORATORIES, INC.
INDUSTRIAL WASTE ANALYTICAL SERVICES

(309) 676-4893

1113 N. SWORDS AVENUE
 PEORIA, ILLINOIS 61604

ANALYTICAL REPORT FORM:

To: Shella Globe Date Collected 1/14/83 Date of Report 2/28/83
3200 Main Street Sampled By _____ Sample# 3P-04
Keokuk, Iowa 52632 Date Received 1/25/83 PDC# NEW
 Attn: Mr. Mike Stone Date Completed 2/28/83 Permit# NEW

Waste Stream Paint waste - Sludge
 USEPA Waste Classification _____

(generating from painting operation)

Toxicity (3 high - 1 low):
 Inhalation _____ Ingestive _____ ☒ Reactivity _____
 Dermal _____ Infectious _____ Explosive _____

Physical Characteristics:

OK *pH 6.3 Phase Semi-solid Acidity/Alkalinity No soluble
 Flashpoint >200°F OK %Solids 51.6 Waste Predominately _____

*Inorganic Constituents

Constituent	Total ()	EP Toxicity (mg/l)	EPA Code	EP Limit (mg/l)
Arsenic		<0.005	D004	5.0
Barium		3.0	D005	100.0
Cadmium		<0.05	D006	1.0
Chromium tot		<0.25	D007	5.0
Chromium hex				
Cobalt				
Copper				
Cyanide	20.5 mg/kg			
Iron				
Lead		<0.50	D008	5.0
Manganese				
Mercury		<0.0003	D009	0.2
Molybdenum				
Nickel				
Selenium		0.02	D010	1.0
Silver		<0.50	D011	5.0
Sulfide	<2.9 mg/kg			
Zinc				

< = less than > = greater than

All analysis herein are conducted utilizing approved USEPA and IEPA methods
_____ Laboratory Manager



SERCO

pg 1 of 2
AUG 16 1985

Sanitary Engineering Laboratories, Inc.
1922 Main Street, P.O. Box 625
Cedar Falls, Iowa 50613
Phone: (319) 277-2401



EP Toxicity Test

Client: Sheller Globe
Attn: Mr. Dick Adkins
3200 Main
Keokuk, IA 52632

Date Sampled: 7/24/85

Date Received: 7/26/85

Sample Identity: Paint Sludge

Analysis

	Concentration of Extract (mg/l) (E.P. Max)	Concentration Extracted From Sample (mg/kg)
Arsenic (as As)	0.008	0.16
Barium (as Ba)	0.2	4
Cadmium (as Cd)	0.04	0.8
Total Chromium (as Cr)	0.12	2.4
Hexavalent Chromium (as Cr)	<0.03	<0.6
Copper (as Cu)	0.04	0.8
Fluoride (as F)	<0.1	<2
Lead (as Pb)	3.4	68
Mercury (as Hg)	<0.0003	<0.006
Nitrate (as NO ₃)	<2	<40
Nickel (as Ni)	0.27	5.4
Selenium (as Se)	<0.005	<0.1
Silver (as Ag)	0.01	0.2
Zinc (as Zn)	0.69	14
Final pH (of Extract)	4.9 S.U.	

<means less than

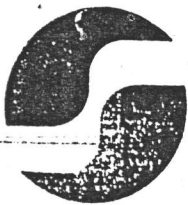
EP Toxicity Test performed according to 40 CFR Part 261.24. All analyses performed according to EPA publication SW-846.

Prepared and Submitted by
SERCO

David W. Havick

David W. Havick
Senior Chemist

August 13, 1985
nh 1441B
#5-05340L



SERCO

Sanitary Engineering Laboratories, Inc.
1922 Main Street, P.O. Box 625
Cedar Falls, Iowa 50613
Phone: (319) 277-2401



Waste Analysis

Client: Sheller Globe
Attn: Mr. Dick Adkins
3200 Main
Keokuk, IA 52632

Date Sampled: 7/24/85

Date Received: 7/26/85

Collected by: D. Adkins

Sample Identity: Paint Sludge

Analysis

Flash Point (Closed Cup)
pH
Total Solids

As Received

✓ >190 °F
✓ 9.4 S.U.
37.68 %

Cyanide (as CN)
Phenol

Dry Weight Basis

0.32 mg/kg
40 mg/kg

> means greater than

All analyses performed according to EPA publication SW-846.

Prepared and Submitted by
SERCO

David W. Havick

David W. Havick
Senior Chemist

August 13, 1985
nh 1441B
#5-05340

P.D.C. LABORATORIES, INC.
INDUSTRIAL WASTE ANALYTICAL SERVICES

(309) 676-4893

1113 N. SWORDS AVENUE
PEORIA, ILLINOIS 61604

ANALYTICAL REPORT FORM:

To: Sheller-Globe Corp. Date Collected 6/25/86 Date of Report 8/1/86
3200 Main Street Sampled By --- Sample# ---
Keokuk, IA 52632 Date Received 7/1/86 PDC# 607008E
(319) 524-4560 Date Completed --- Permit# ---
 Attn: Andy Edgar P.O.# Andy Edgar

Waste Stream Paint sludge
 Physical Appearance: Odor --- Color --- Paint Filter passed
 Physical State --- Number of Phases --- Water Reactivity ---
 Water Miscibility --- Load Bearing Capacity --- tons/sq.ft.
 pH --- (neat); 6.8 (10% solution) RVP --- psi Solids 48.8 %
 Flashpoint >200 °F Acidity --- % Alkalinity --- %

Analysis Parameters

Parameters	Total (mg/kg)	EP Toxicity (mg/l)	EPA Code	EP Limit (mg/l)
Arsenic		<0.05	D004	5.0
Barium		<2	D005	100.0
Cadmium		0.05	D006	1.0
Chromium tot		<0.1	D007	5.0
Lead		<0.5	D008	5.0
Mercury		<0.0005	D009	0.2
Selenium		0.04	D010	1.0
Silver		<0.25	D011	5.0
Cyanide	0.12			
Phenol	13			
Sulfide	6.2			
EOX				
Oil & Grease				
Cyanide				
Reactive				
Sulfide				
Reactive				

< = less than > = greater than

Note 1: All analysis are conducted utilizing recommended USEPA and IEPA Methods.

Note 2: The paint filter and load bearing capacity tests are run according to Illinois Pollution Control Board (6/84) Section 729.320/321

Jim Eich
 Laboratory Manager
 LE dag

P.D.C. LABORATORIES, INC.
INDUSTRIAL WASTE ANALYTICAL SERVICES

(309) 676-4893

P.O. Box 9071
PEORIA, ILLINOIS 61614

Shellar-Globe Corp. Date Collected 1/14/87 Date of Report 2/10/87
3200 Main St., P.O. Box 727 Sampled by Andy Edgar Sample # --
Keokuk, IA 52632 Date Received 1/19/87 PDC # 701196E
(319) 524-4560 Date Due 2/2/87 Permit #
Attn: Andy Edgar Date Completed 2/5/87 P.O. # 00719
Waste Stream Paint overspray and filters

Physical Appearance: Physical State Solid
Odor Solvent Number of Phases 1
Color Black Water Reactivity

pH (neat); 5.74 (10% solution) Paint filter

Flashpoint 150 °F Load Bearing Capacity (ton/sq.ft.)

% Solids 93% Acidity Alkalinity

EOX 73850 ppm. RVP (psi) Oil and Grease

	EP Toxicity (mg/l)		(mg/kg)
Arsenic	<0.02	Cyanide (Total)	1.1
Barium	<1	Cyanide (Reactive)	
Cadmium	0.31	Sulfide (Total)	<0.5
Lead	1.0	Sulfide (Reactive)	
Mercury	0.0005	Phenol (Total)	38.3
Selenium	<0.02		
Silver	<0.25		
Chromium (Total)	0.2		
Chromium (Hex)	<0.1		

Note 1: All analysis are conducted utilizing recommended USEPA and IEPA methods.

Note 2: The paint filter and load bearing capacity tests are run according to Illinois Pollution Control (6/84) Section 729.320/321.

Laboratory Manager Lynn Eich
PDC Laboratories, Inc.

LE/dag
12/18/86

ATTACHMENT I



SHELLER-GLOBE

September 10, 1985

Michael J. Sanderson
Chief, RCRA Branch
U. S. Environmental Protection Agency
Region VII

Dear Mr. Sanderson:

This letter is in response to an inspection of our plant in Keokuk, Iowa on August 28, 1985 by your personnel.

Attached is a list of improvements and corrective actions to be taken to address those deficiencies identified by your inspection. Also, indicated is the date of completion for these activities.

Sincerely,

Walter D. Humnicutt
Plant Manager - Padded Products

John D. Skillen
Plant Manager - Rubber Products

/jd

CORRECTIVE ACTIONS

Item 1. Inadequate aisle spacing between drums in the hazardous waste area. A minimum of 24 inches shall be maintained between the rows of drums on pallet in the hazardous waste storage area. This should be adequate aisle space to allow movement of personnel for inspection, spill control, etc. This activity shall be completed by September 21, 1985.

Item 2. Hazardous waste material stored outside the storage area. Waste materials which are being recycled by off-site facilities are being stored in drums in an area outside of the hazardous waste area. All hazardous waste will be placed in the hazardous waste storage area. This activity will be completed by October 31, 1985.

Items 3 and 5. Improperly sealed drums or drums in poor conditions. All open or unsealed drums will be sealed. Those drums in poor condition will be temporarily sealed until transfer into proper containers. These closures or temporary sealing of containers will be completed by September 14, 1985. Transfer of waste material to proper containers or overpacks will be completed by October 15, 1985.

Item 4. Drum which appeared to be leaking. The contents of this drum have been transferred to another container. Any containers found leaking or about to leak will be placed immediately in an overpack container or its contents transferred to different containers.

Item 6. Waste material (potentially hazardous) generated by this facility not analyzed. Waste material namely vat sludge, used paint filters and four (4) drums of unknown material have been sampled and the sample will be sent to a laboratory for it to be analyzed for corrosivity, flash point and EP toxicity extraction for metals. These waste materials shall be segmented and stored separately until the analytical results have been received. The facility waste analysis plan is being reviewed and amended to address these problems areas. Completion of this activity will be October 31, 1985.

EPA

Page 2

Item 7. Storage area security fence in poor condition. This fence will be either repaired or replaced by October 31, 1985.

Item 8. Poor housekeeping in storage area. The cardboard along the perimeter fence has been cleaned up and the condition (general appearance) of the storage area has been added to the weekly inspection program.

Item 9. Insufficient warning signs. Additional warning signs have been placed on order and will be installed upon receipt. Completion date is October 1, 1985.

Item 10. Storage of waste material not listed on facility in part A permit application. Presently we are reviewing all wastes generated by this facility. An amended part A permit application will be prepared and submitted for all hazardous wastes which were not listed in our previous submissions. This activity will be completed by November 15, 1985.

Item 11. Hazardous waste storage area capacity exceeded. Drums of potentially hazardous waste (100 drums) have been placed in hazardous waste storage pending receipt of laboratory analysis. As soon as analytical results are received and a proper disposal site has been arranged, this waste material will be removed from the storage area. Completion date for this activity is November 15, 1985.

Item 12. Manifest review. We are reviewing the DOT shipping descriptions that we are using for our hazardous waste. These descriptions will be reviewed by a DOT official to ensure their accuracy. In addition, we are modifying our hazardous waste manifest procedure to include the proper manifest document control number and a checklist for proper shipping names, dates, EPA ID numbers, signatures, etc. The incidents that may have required exception reports are being investigated. A separate letter addressing those incidents will be sent by October 15, 1985. In the future exception reports shall be submitted for all situations that require it. Completion of this review of the manifest procedures will be October 1, 1985.

Item 13. Facility waste analysis plan. This facility's waste analysis plan will be completely revised to incorporate all types of hazardous waste generated by this facility. In addition, it will include frequency and type of analysis, sampling and test methods and a list of parameters to be tested for each particular type of waste. Completion date of this activity is November 1, 1985.

Items 14 and 15. Hazardous waste storage area inspection schedule. Our hazardous waste storage area inspection procedure is being revised to reflect a better description of types of problems and items to check and to indicate a specific schedule for these inspections. In addition the inspection log will be modified to accommodate these changes. Completion date for this activity is November 1, 1985.

Item 17. Warning device in storage area. In the building adjacent to the storage area, there is a telephone which can be used in case of an emergency. Also there usually is someone in this building during any activity in the storage area. Attached is a sketch of the storage area and adjacent building.

Item 16. Hazardous waste training program. The hazardous waste training program is being revised to cover those deficiencies identified from your inspection. The revised program will include the type of training required for each position associated with hazardous waste at this facility. Also, the training session for all persons in the hazardous waste program at the plant will be scheduled after the completion of this revision of the hazardous waste procedures, but no later than December 31, 1985.

Items 18 and 19. Contingency Plan. The hazardous waste contingency plan has been revised to list one primary emergency coordinator. All emergency coordinators will have completed training in the response and implementation of the contingency plan by October 1, 1985. In addition, the contingency plan is being reviewed and updated in regard to the arrangements made with local emergency authorities. and types and location of emergency equipment needed to respond to a spill. This activity should be completed by November 1, 1985.

Item 20. Operating Record. The operating record is revised in order to track hazardous waste from its point of origin in the plant to the storage area and when it left the facilities for final disposition. Use of this record will be implemented by October 1, 1985.

Item 21. Closure Plan. Revision of this facility's closure plan to reflect the additional types of hazardous waste being generated and stored will be completed upon receipt of laboratory analysis of those wastes identified from your inspection but no later than November 15, 1985.

Hopefully this letter has indicated our desire to comply with hazardous waste laws and regulations. We would be happy to meet with you or your staff to discuss this letter or other areas where further improvements may be necessary. If you have any questions concerning this letter, please contact Richard Adkins, Environmental/Safety Coordinator at 319-524-4560, extension 226.

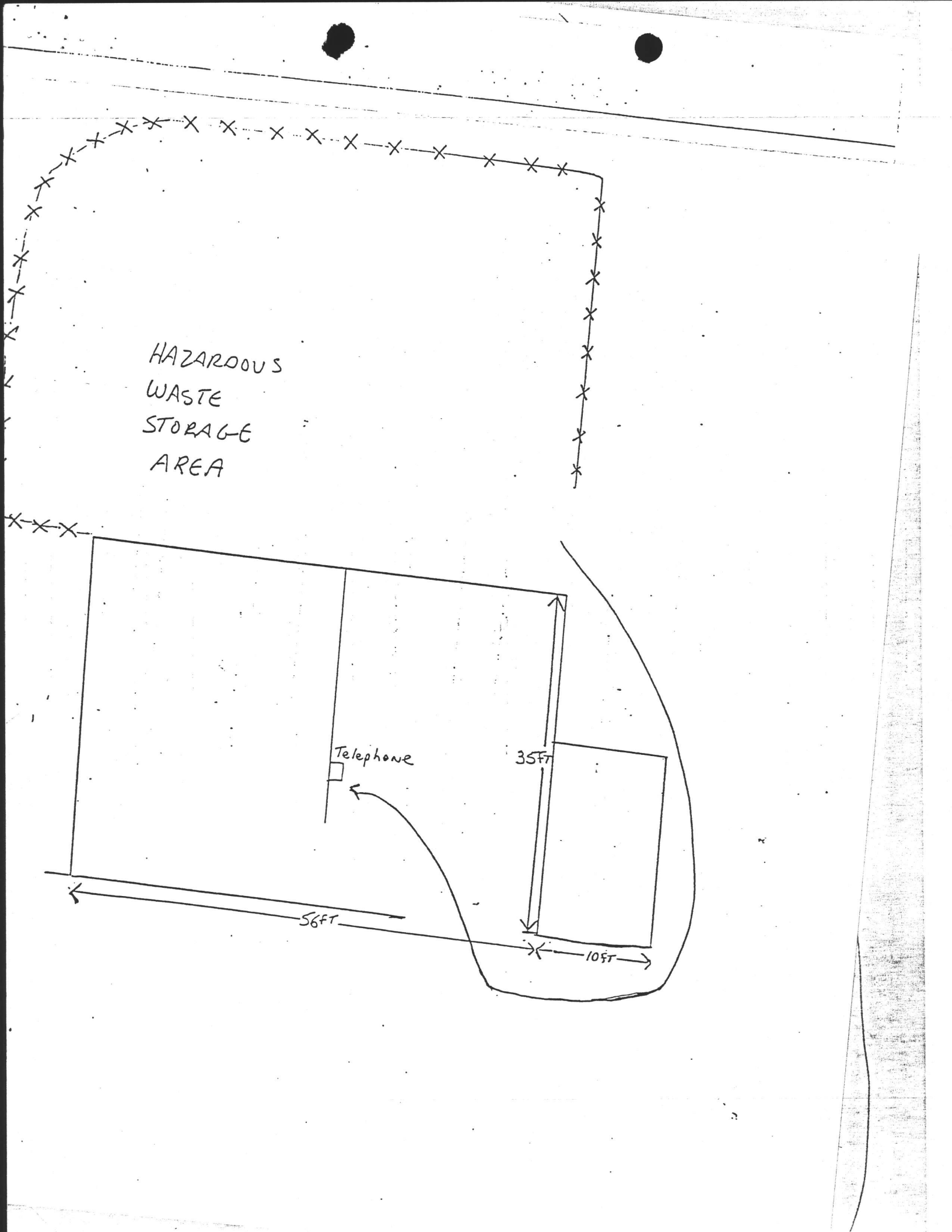
HAZARDOUS
WASTE
STORAGE
AREA

Telephone

35FT

56FT

10FT



Sheller - Globe, Keokuk

AKIN, GUMP, STRAUSS, HAUER & FELD

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

4100 FIRST CITY CENTER

1700 PACIFIC AVENUE

DALLAS, TEXAS 75201-4618

(214) 969-2800

2855

WRITER'S DIRECT DIAL NUMBER 969-

WASHINGTON OFFICE
1333 NEW HAMPSHIRE AVENUE, N.W.
SUITE 400
WASHINGTON, D.C. 20036
(202) 887-4000

LONDON OFFICE
31 CURZON STREET
LONDON, W. 1
(01) 409-1093

AUSTIN OFFICE
900 MBANK TOWER
AUSTIN, TEXAS 78701
(512) 499-6200

SAN ANTONIO OFFICE
1100 ONE RIVERWALK PLACE
700 NORTH ST. MARY'S STREET
SAN ANTONIO, TEXAS 78205
(512) 224-1801

FORT WORTH OFFICE
2604 TEXAS AMERICAN BANK BUILDING
FORT WORTH, TEXAS 76102
(817) 336-1400
METRO #429-9006

Where is the info. re. ponds
used for legends waste?

May 20, 1987

Ms. Audrey Bimby
U.S. Environmental Protection Agency
Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

Re: Sheller-Globe Corporation - Keokuk Division
Docket No. 87-H-0003

Dear Ms. Bimby:

I am writing on behalf of Sheller-Globe Corporation in response to the above-referenced Complaint and Compliance Order issued by your office pursuant to Section 3008 of the Resource Conservation and Recovery Act, concerning the handling and storage of hazardous wastes at Sheller-Globe's Keokuk Iowa plant. As you will recall, representatives of Sheller-Globe and I met with you and other representatives of EPA on April 24, 1987 to discuss the Complaint and Order. At that meeting Sheller-Globe provided documentation and information showing substantial compliance with the order. Documentation with regard to the actions taken by Sheller-Globe are included in a letter dated April 22, 1987 to Ms. Jane Werholtz of EPA from Mr. John D. Skillen, General Plant Manager and Mr. Walter D. Hunnicutt, Plant Manager at the Keokuk plant.

At that meeting Sheller-Globe demonstrated compliance in a timely manner with the actions specified by Paragraphs 80(a) through (m) of the Order. Sheller-Globe also agreed to comply with Paragraphs 80(n)-(o) upon receipt of EPA's comments on Sheller-Globe's closure plan and approval of the plan. Full compliance with those items cannot be completed until further action by EPA. In addition, Sheller-Globe agreed to comply with Paragraphs 80(p)-(q) to the extent of its ability. At the present time, Sheller-Globe is shipping hazardous waste offsite for disposal or reclamation within 90 days of generation and intends to eliminate its status as a storage facility as soon as possible. The company understands, however, that it remains subject to the liability coverage requirements of 40 CFR § 265.147(a) until

\$265.147(6) if 107

RECEIVED

MAY 21 1987

EPA-CNSI

AKIN, GUMP, STRAUSS, HAUER & FELD

Ms. Audry Bimby
May 20, 1987
Page 2

closure of its storage facility can be completed. In the meantime it is continuing to make every effort to obtain environmental liability coverage although, as I am sure you know, such coverage is very difficult to obtain. The company will submit monthly activity reports describing its efforts to obtain such coverage.

The only issue concerning the Complaint and Order that remained unresolved at the conclusion of our meeting on April 24 was the penalty proposed by EPA. In view of the fact that the inspection on which EPA's complaint is based was conducted almost two years ago and the fact that Sheller-Globe took immediate steps to correct any deficiencies following that inspection, which were documented in the letter to your agency dated September 10, 1985, and has maintained compliance since that time, the company believes that the penalty proposed by EPA is excessive. Because the violations are minor in nature and because no environmental damage resulted from any of the violations, which were promptly remedied, Sheller-Globe believes that no penalty is warranted under the Complaint. In the interests of settling this matter as quickly and as efficiently as possible and avoiding further transactional costs, however, Sheller-Globe proposes to and is willing to settle this matter without further administrative proceedings by payment of a penalty in the amount of \$13,600.00.

Sheller-Globe believes that the proposed settlement figure is appropriate after evaluation of all facts concerning each of the alleged violations included within EPA's Complaint. A brief discussion of each of the counts contained in the complaint and proposed penalties are set forth below. Only those counts which included a penalty proposed by EPA are discussed.

*waste analysis
result for
sludge &
waterwater
from
generating from
facility is used*
COUNT I: Failure to determine if certain waste were hazardous wastes in violation of 40 CFR § 262.11. At the meeting on April 24 and in documentation provided by Sheller-Globe, EPA was presented with copies of waste analyses performed by the company both before and after the August 1985 inspection. Analyses of paint sludge from the waterwash spray paint booths and paint filters from the dry filter spray paint booths show that both are non-hazardous. All wastes from the plant have been properly disposed of.

Sheller-Globe proposed penalty: \$500.00. (was 1,100)

COUNT II: Failure to prepare manifest for hazardous waste solvents transported from Sheller-Globe by and to Safety-Kleen

Ms. Audry Bimby
May 20, 1987
Page 3

Corporation, in violation of 40 CFR § 262.20(a). These solvents were stored in Safety-Kleen containers until removal by Safety-Kleen for recycling. Sheller-Globe began using this disposal system with Safety-Kleen in July, 1985. The failure to prepare correctly completed manifest was remedied immediately after the EPA inspection and Sheller-Globe submitted a copy of a manifest to Safety-Kleen from November 1985 documenting that the procedure had been corrected. Proper manifests have been prepared since that time.

875 Sheller-Globe proposed penalty: \$500.00. (was 1,100)

3012
waste code
COUNT III: Storage of hazardous waste not specified in Part A of permit application in violation of 40 CFR § 270.71(a). The complaint specifies (117) 55-gallon containers of EP Toxic Paint Sludge, (40) 55-gallon containers ignitable paint wastes, an unknown number of 55-gallon containers of ignitable waste paint solvent, an unknown number of bottles of waste laboratory chemicals that have been classified as hazardous wastes by the company but had not been given specific hazardous wastes classification and an unknown number of 55-gallon containers of corrosive hazardous waste. The great majority of the waste, the 117 55-gallon containers of paint sludge, were being stored pending the receipt of waste analyses samples. The samples were taken in July 1985 and were not received until August of 1985. The analyses showed that the waste paint sludge was not hazardous. The ignitable waste cited in the complaint were believed by Sheller-Globe to have been covered under waste codes F002 or F003, which were included in the company's Part A. The laboratory chemicals cited in the complaint were raw material samples, in small amounts, which were being stored in a restricted area pending identification. Approximately one-half of the chemicals were found to be non-hazardous. After identification, the chemicals were properly disposed of. The corrosive waste cited in the complaint were identified as methylene chloride containing acid or alkaline materials. These materials also were properly disposed of.

Sheller-Globe's proposed penalty: \$500.00. (was 1,200)

COUNT IV: Exceeding hazardous waste storage capacity specified on Part A permit application. Sheller-Globe's Part A permit application filed in 1980 indicated that the waste container storage capacity would be 11,000 gallons or approximately 200 55-gallon drums. That capacity was based on estimated production

Ms. Audry Bimby
May 20, 1987
Page 4

of waste rather than the actual capacity of the storage area. At the time of the inspection the storage area contained the (117) drums of waste which were being held pending identification, described above in the discussion of Count III. It was later determined that the waste in those drums were non-hazardous. Wastes that are hazardous or are believed to be hazardous are held in the hazardous waste storage area to provide maximum security, rather than storing the containers outside the hazardous waste area pending identification. The storage area easily contains all of the waste. No potential for environmental damage was created by storing the drums in the hazardous waste storage area.

Sheller-Globe's proposed penalty: \$0.00. was 1,100

COUNT V: Leaking or badly bulged and/or dented drums in the hazardous waste storage area in violation of 40 CFR § 265.171. It is believed that only one drum out of the approximately 266 drums in the hazardous waste storage area at the time of EPA's inspection was leaking. As reported in September, 1985, the contents of that drum were properly transferred to another container and steps were taken to insure that any containers found to be leaking would be immediately placed in overpack containers for the contents of the drum transferred to a different container. Bulged and/or dented drums were perhaps unsightly, but were found to retain their basic integrity. Sheller-Globe insures that any actually damaged drums are promptly replaced.

Sheller-Globe's proposed penalty: \$3,000.00. (was 9,100)

COUNT VI: Storage of hazardous waste in containers whose lids did not fit container bodies, in violation of 40 CFR § 265.173(a). All liquid hazardous wastes are stored by Sheller-Globe in containers with sealed tops. Only Solid waste would have been contained in any containers with loose or poorly fitting lids, presenting only a minor risk of spills. In addition, the containers are stored on pallets in a confined area.

Sheller-Globe's proposed penalty: \$3,000.00. was 9,100

COUNT VII: Storage of incompatible wastes without separation from other materials by means of a dike, berm, wall, or other device in violation of 40 CFR § 265.177(c). The waste identified by EPA's inspector as "corrosive" was identified to be primarily

Ms. Audry Bimby
May 20, 1987
Page 5

methylene chloride containing acid. The remaining wastes were found to contain an alkaline material. In addition, the wastes were contained in plastic-lined drums, further minimizing the possibility of any spills. We would further point out that Appendix 5 to 40 CFR Part 265, referenced by EPA in our meeting provides only a guideline for the storage of waste.

Sheller-Globe's proposed penalty: \$2,000.00. was 7,150

COUNT VIII: Inadequate aisle space to allow the unobstructed movement of personnel, etc. in violation of 40 CFR § 265.35. The Complaint cites Sheller-Globe for storing waste containers against the wall of the "mixing house" building. The regulations do not specifically prohibit storing drums against a wall, as long as the waste containers are otherwise readily accessible. Aisle space is maintained among the drums so that all drums would be accessible for visual inspection or for corrected action. Since the inspection, the width of aisles has been increased and an aisle space created between the drums and the building.

Sheller-Globe's proposed penalty: \$2,000.00. was 7,150

COUNT IX: Security fence badly overgrown with vegetation, pulled away from support poles, cut at one location and had a large gap at one corner of the storage area, in violation 40 CFR § 265.14(b). Since the time of the inspection, the fence immediately around the storage area has been repaired and is maintained in proper condition. Sheller-Globe points out, however, that primary security for the facility is provided by a fence around the perimeter of the facility and a 24 hour guard who routinely checks the hazardous waste storage area. The damaged fence was not critical to security of the area

Sheller-Globe's proposed penalty: \$0.00. was 330

COUNT X: Failure to maintain or operate facility to minimize the possibility of fire, etc. in violation of 40 CFR § 265.31. The Complaint cites quantities of wood, brush, paper and other trash at the storage area and also references two cardboard boxes containing waste in the "mixing house." Since the time of the inspection Sheller-Globe has cleaned up the area and removed all trash which was located primarily along the fence line of the storage area. In addition the wastes in the cardboard boxes were

Ms. Audry Bimby
May 20, 1987
Page 6

disposed of shortly after the 1985 inspection. The referenced waste in the cardboard boxes were the laboratory chemicals, described in COUNT III above and were stored in the "mixing house" because that area was enclosed and provided much greater security than the outside hazardous waste storage area. The storage of those containers in the mixing house greatly minimized any potential for leak or rupture.

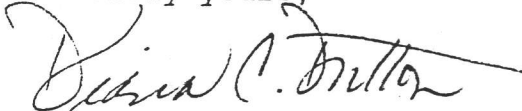
Sheller-Globe's proposed penalty: \$2,000.00. *was 7,150*

COUNT XI: Failure to develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, failure to conduct weekly or daily inspections, as required and failure to document inspections in violation of 40 CFR § 265.15. Since EPA's 1985 inspection, hazardous waste storage area has been inspected weekly and the inspections noted on the inspection log. The inspection procedure and log was revised in November of 1985 and July of 1986. Copies of the inspection log have been provided to EPA.

Sheller-Globe's proposed penalty: \$100.00. *was 450*

We hope to hear from you as soon as possible with regard to this proposal. If you believe that another meeting to discuss the proposed penalty is necessary or will be of benefit, please let me know. We certainly will be happy to attend such a meeting. Please give me a call if you have any further questions.

Sincerely yours,



Diana C. Dutton

DCD/lmk

cc: Ms. Jane Werholtz
Mr. Greg Sautter
Mr. Andy Edgar
Mr. Larry King
Mr. Rocco A. Barbieri
Regional Hearing Clerk
EPA Region VII



SHELLER-GLOBE

April 22, 1987

Jane Werholtz
U.S. Environmental Protection Agency
726 Minnesota Avenue
Kansas City, Kansas 66101

Dear Ms. Werholtz:

This letter is in response to your letter of March 31, 1987, concerning the handling and storage of Hazardous Waste at our plant in Keokuk, Iowa. Your letter, with attached Compliance Order, was the result of a U.S. E.P.A. inspection of the hazardous waste management program at our Keokuk Plant on August 27 and 28, 1985.

A review of our files indicated that as a result of this inspection, a program, to address and correct those deficiencies identified, was developed and implemented. A letter describing this corrective program was sent to the U.S. E.P.A. Apparently, this letter was never received by the U.S. E.P.A.. However, the program was implemented to correct those deficiencies identified by that inspection.

We have attached a copy of that letter (Attachment I) addressing those deficiencies for your review. In regard to those corrective actions indicated in your compliance order, the following actions have been taken:

1. Waste analysis of paint filters, waste cleaning vat residue and waste cleaning solutions.

Attached are copies of laboratory results (Attachment II) for the paint sludge and paint filter generated from our painting operations. The results indicated that the paint sludge from our waterwash spray paint booths and the paint filters from our dry filter spray paint booths are non-hazardous.

Also attached are the laboratory results (Attachment III) on the sludge and wastewater generated from our mold cleaning operation.

2. Handling of paint sludge, paint filters, molding cleaning sludge and wastewater.

The paint sludge and filters are non-hazardous waste. These waste streams were and are being disposed of at hazardous and non-hazardous waste landfills. The sludge from the mold cleaning operation is hazardous due to the leachability of cadmium. This sludge which is

removed from the tanks twice a year, will be collected and placed into drums. The sludge will be disposed of at a hazardous waste landfill. The wastewater from this operation will be treated and discharged to the sanitary sewer. (1400 gallon/year)

3. Use of hazardous waste manifests for waste transported by Safety-Kleen Corporation.

A copy of the manifest (Attachment IV) for a shipment on November 26, 1985 of this waste is attached. This serves as evidence of the use of a manifest for this type of waste. All shipments of this waste have been manifested since that time.

4. Submission to the U.S. E.P.A. of a revised Part A Hazardous Waste Permit Application.

Attached you will find a copy of the revised part A permit application (Attachment V) which was submitted to your agency on August 19, 1986.

5. Submit copies of hazardous waste manifests to indicate shipment of excess inventory.

Attached are copies of manifests (Attachment VI) for November 1985 and January 1986 to document removal of excess hazardous waste. In addition approximately 100 of the drums in the hazardous waste storage area contained paint sludge from our waterwash paint booth. These drums of paint sludge were temporarily stored in the hazardous waste storage area, pending laboratory test results. The laboratory test results (Attachment II) indicated that this waste was non-hazardous and the waste was removed from the storage area.

6. Separate waste methylene chloride containers from containers of waste corrosives.

The drums containing waste corrosives were separated in September from the other drums of hazardous waste. These waste corrosives were in plastic lined drums and posed no major threat to the other types of hazardous waste in the storage area.

7. Submit a copy of the revised inspection schedule and inspection log.

Since the August 27 & 28, 1985 inspection, the hazardous waste storage area has been inspected weekly and the inspections are noted on the inspection log. The inspection procedure and log was revised in November of 1985 and July of 1986. Copies of the inspection log (Attachment VII) are attached.

8. Submit documentation that all personnel training deficiencies have been corrected.

Attached is a copy of the Keokuk Plant Hazardous Waste Management Training Program.(Attachment VIII). Also attached you will find copies of hazardous Waste Training Records (Attachment IX) to document training of plant personnel.

9. Submit a revised Facility Contingency Plan.

Attached you will find a copy of our revised Facility Contingency Plan (Attachment X) which was revised in 1985. Also attached, are copies of the U.S. post Office receipt (Attachment X) indicating delivery of the Revised Keokuk Contingency Plan to the local emergency organizations.

10. Submit revised Waste Analysis Plan.

Attached is a copy of our Waste Analysis Plan (Attachment XI) which was revised in 1986.

11. Install an alarm or other emergency communication device in the hazardous waste storage area.

As indicated in our September 10, 1985 letter, (Attachment I) a telephone was located in the building adjacent to the hazardous waste storage area. In October 1986, a telephone was installed in the hazardous waste storage area.

12. Move the bottles containing hazardous waste laboratory chemicals into the hazardous waste storage area.

In June of 1985, our laboratories in the plant were relocated. As a result of these relocations, obsolete laboratory chemicals were collected and stored in the Plant Paint mixing area for final identification and proper disposal. These laboratory chemicals were sorted and identified. Half of the chemicals were identified as non-hazardous material. The other half consisted of paint, flammable glue, flammable solvent, chlorinated solvent, and isocyanates, etc.. and were compatible with the hazardous waste streams, which are generated by the manufacturing operations of this plant. The laboratory chemicals were consolidated with our normal hazardous wastes.

13. Submit analytical results for the laboratory chemicals.

As indicated in item 12, the obsolete laboratory chemicals were identified from the labels on the containers. No outside laboratory services were needed.

14. Submit amended closure plan and implement closure plan upon approval.

On October 16, 1986, a letter and the Keokuk Plant Closure Plan (Attachment XII)) were sent the the U.S. E.P.A., Region VII. This letter indicated our disqualifications from the use of the financial test to demonstrate financial responsibility. The letter also requested review and approval of our Closure Plan. We are presently awaiting U.S. E.P.A. review and approval of our Closure Plan so that we can immediately implement the plan.

15. Establish and maintain liability coverage for sudden accidental occurrences.

As indicated in item 17, we have lost our mechanism for liability coverage. We are presently shipping our hazardous waste off-site for disposal or reclamation within ninety (90) days of generation. Sheller-Globe Corporation has made and is presently making application to insurance companies to obtain this type of liability coverage. Documentation of this application will be submitted with our first monthly report regarding our progress on establishing liability coverage.

16. Submit monthly report concerning our progress to obtain liability coverage.

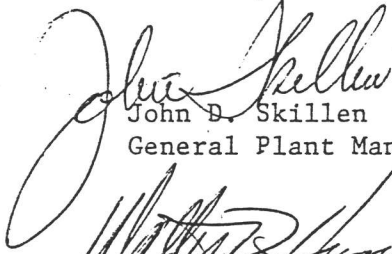
A monthly report on our progress obtaining liability coverage will be submitted to the U.S. E.P.A., Region VII on the 15th of each month, starting with May of 1987.

In addition to the above mentioned activities, a number of other corrective actions have been implemented to upgrade our hazardous waste management program at this plant. These corrective actions will be reviewed with your staff at our meeting on April 24, 1987.

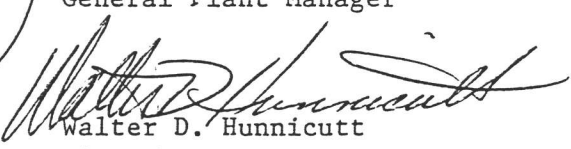
We hope that the information contained in this letter, is an indication of our good faith effort and desire to comply with all hazardous waste laws and regulations.

If you have any questions concerning the content of this letter, please contact Gregory Sautter at (419) 476-8901 or Andy Edgar at (319) 524-4560 ext.# 226.

Sincerely,



John D. Skillen
General Plant Manager



Walter D. Hunnicutt
Plant Manager

cc: A. Edgar
G. Sautter
L. King
D. Dutton

ENC

GS/gs